

STATE OF MICHIGAN

IN THE 41B DISTRICT FOR THE COUNTY OF MACOMB

THE PEOPLE OF THE STATE OF MICHIGAN,

vs

Case No. 19-2340SM

JONATHAN JOSEPH VANDERHAGEN,

Defendant.

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**PRETRIAL / BOND HEARING**

BEFORE THE HONORABLE SEBASTIAN LUCIDO, DISTRICT JUDGE

Wednesday, July 24, 2019 - Clinton Township, Michigan

**APPEARANCES:**

For the People:

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For the Defendant:

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Court Recorder, CER 7705

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WITNESSES:      PEOPLE

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None called.

WITNESSES:      DEFENDANT

None called.

EXHIBITS:

PRESENTED

ADMITTED

None presented.

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Clinton Township, Michigan

Wednesday, July 24, 2019 at 10:05 a.m.

THE COURT: Calling case number 19-2340SM,  
People versus Jonathan Vanderhagen.

MR. DEBRUIN: And Dan Debruin on behalf of the  
People your Honor.

MR. SOMBERG: Good morning your Honor, Nicholas  
Somberg on behalf of Jonathan Vanderhagen.

THE COURT: Podium. You can come up to the  
podium. Good morning.

MR. SOMBERG: Good morning.

THE COURT: You know what we might not have  
picked you up back there. Your appearance again.

MR. SOMBERG: Nicholas Somberg on behalf of  
Jonathan Vanderhagen who's present.

THE COURT: All right this is up today for a  
pretrial. It was scheduled for a motion on Monday.

MR. DEBRUIN: Yes your Honor.

THE COURT: But we were closed because the power  
was out. And you talked to the prosecutor and we want to  
set it for a jury trial is that correct?

MR. SOMBERG: That's correct your Honor.

THE COURT: All right let's do that first. I'm  
going to close the pretrial. We're going to set this for  
a jury trial. My next jury selection is August 9<sup>th</sup>. Any

1 objections to setting it on the 9<sup>th</sup>?

2 MR. DEBRUIN: None.

3 MR. SOMBERG: I think I'm going to be -- I know  
4 I'm going to be in trial that day your Honor. You said  
5 August 9<sup>th</sup>?

6 THE COURT: August 9<sup>th</sup>.

7 MR. SOMBERG: Yeah I'm going to be in trial.

8 THE COURT: Well, my next jury selection isn't  
9 until November, but I don't want to wait that long and I  
10 don't think you're going to want to wait that long. So  
11 I'm going to have to piggyback on one of my colleagues  
12 jury's. So we can either do I think --

13 COURT CLERK: You're here September 13<sup>th</sup> for  
14 sentencing's.

15 THE COURT: That's what I'm thinking, September  
16 13<sup>th</sup> and you're going to need to make that one work  
17 counsel.

18 MR. SOMBERG: I can make it.

19 THE COURT: So we're going to set it for a jury  
20 selection on September 13<sup>th</sup> at 8:30 a.m. And now let's  
21 address this motion.

22 MR. DEBRUIN: And your Honor this was a motion,  
23 an emergency motion filed by the People. We wanted to  
24 have this heard on Monday but obviously the court didn't  
25 have power and was unable to do that. Your Honor the

1 defendant continues to try to in our opinion intimidate  
2 and harass the people that started this against him.

3 THE COURT: If you could move over where I can  
4 see you please.

5 MR. DEBRUIN: Yes. I'm just trying to stay by  
6 the microphone at the same time.

7 THE COURT: Right.

8 MR. DEBRUIN: Continues to post about being  
9 mistreated by the system even though they acted well  
10 within their right and making decisions that they thought  
11 were proper. Specifically included in my exhibits your  
12 Honor, I want to draw to the court's attention three  
13 items in exhibit two, where he talks about big things  
14 happening behind the scenes. We are God's soldiers. And  
15 then additionally in exhibit three, he has a posts that  
16 says judgment day. That along with the initial post,  
17 which pictured him with a shovel with the initials RR and  
18 MD on it that led to us pressing the original charges, we  
19 feel is a continued attempt to try to intimidate and  
20 harass and maliciously use a telecommunications device.

21 THE COURT: So I get the RR. The MD is what?

22 MR. DEBRUIN: The MD is -- I'm not 100 percent  
23 sure of who the MD is. But I have some theories. We know  
24 who the RR is and that's Judge Rancilio.

25 THE COURT: And these were posted after the no

1 contact --

2 MR. DEBRUIN: Yes.

3 THE COURT: -- provision was put in place.

4 MR. DEBRUIN: Yes.

5 THE COURT: So it looks like he was arraigned on  
6 July 11<sup>th</sup> of 2019 and there was a no contact.

7 MR. DEBRUIN: Correct.

8 THE COURT: What is the date of this post, do we  
9 know?

10 MR. DEBRUIN: That's the July 8<sup>th</sup>.

11 THE COURT: This was a post on Facebook am I  
12 correct?

13 MR. DEBRUIN: Correct.

14 THE COURT: And when was it posted?

15 MR. DEBRUIN: That was July 8<sup>th</sup>.

16 THE COURT: It was July what?

17 MR. DEBRUIN: 8<sup>th</sup>.

18 THE COURT: So it was before the --

19 MR. SOMBERG: Yes your Honor.

20 THE COURT: He was arraigned on July 11<sup>th</sup>.

21 MR. DEBRUIN: Correct that was the initial --

22 THE COURT: Oh that's the initial --

23 MR. DEBRUIN: -- for the arraignment.

24 THE COURT: -- charge.

25 MR. DEBRUIN: Correct.

1 THE COURT: So what was the bond violation, what  
2 happened after the bond was set on July 11<sup>th</sup>.

3 MR. DEBRUIN: So he continued to post and then I  
4 included that in my exhibits.

5 THE COURT: I have the motion and I have the  
6 exhibits.

7 MR. DEBRUIN: Yes.

8 THE COURT: So exhibit one was for the original  
9 charge correct?

10 MR. DEBRUIN: Exhibit one was for the original  
11 charge.

12 THE COURT: And then exhibit two is what, when  
13 was that?

14 MR. DEBRUIN: Exhibit two started everything  
15 that was included after --

16 THE COURT: So all these posts that are after  
17 that in exhibit two were after the bond was set?

18 MR. DEBRUIN: Correct.

19 THE COURT: And these are the bond violations --

20 MR. DEBRUIN: Correct.

21 THE COURT: -- that are -- so exhibit two and  
22 then there's exhibit three.

23 MR. DEBRUIN: Correct.

24 THE COURT: And I have reviewed them. And --

25 MR. DEBRUIN: And it's specifically July 13<sup>th</sup>

1 your Honor, this would be included in exhibit two. That's  
2 where he mentions big things are happening behind the  
3 scenes and we are God's soldiers.

4 THE COURT: Care to respond counsel?

5 MR. SOMBERG: Yeah your Honor I mean, first of  
6 all this is probably been one of the most awful cases  
7 I've ever had to defend somebody in. Mr. Vanderhagen's --  
8 the system isn't perfect and the system failed him two  
9 years ago and he tried to tell the Judge and the People  
10 that his baby's mother was not a good person, was using  
11 drugs. Nobody listened to him and his son died okay.  
12 Since the two years ago, there is literally thousands of  
13 posts speaking out against Friend of the Court, speaking  
14 for his son, Justice for Killian. He's an artist. There's  
15 all his very you know artistically well done images of  
16 exposing the truth and you know he has an absolute  
17 constitutional right to redress his grievances against  
18 the government publically. These posts if you read them  
19 they're about his son. They're about digging up the  
20 truth. That's what the shovel is digging up the truth.  
21 It's about exposing at least what he feels that he has  
22 been wronged by the system. There's no threats. There's  
23 no reaching out to Judge Rancilio. There's been no  
24 contact. There's no inadvertent messages. All the  
25 messages after the no contact are all very innocuous,



1 there's things going on behind the scene. So what. Maybe  
2 that's hiring an attorney okay. So what. Every one of  
3 these exhibits are innocuous, are irrelevant, are not  
4 threatening, are not harassing or not intimidating in any  
5 way whatsoever. And I would make the argument that he can  
6 say F the Judge, F the President of the United States. I  
7 mean you have the right to say that stuff. There's no  
8 threat here your Honor. Their motion should be denied  
9 outright. He's on a 10,000 10 percent bond right now.

10 THE COURT: Final rebuttal.

11 MR. DEBRUIN: Just in response your Honor. Yeah  
12 I mean you can say those things, generally speaking, but  
13 not when you have a court order already against you  
14 prohibiting you from doing those things. Now when you do  
15 those things, when a court order is in place, you're  
16 disobeying the court's rules in regards to what is being  
17 ordered and asked of you. My understanding of the court's  
18 order is that there's a no contact provision with the  
19 judge -- with people. I'm uncertain of whether or not the  
20 court order that he be able to use electronic devices, is  
21 that the case your Honor?

22 THE COURT: Open this file Jan. We almost always  
23 do, when we do a no contact, we say no social media or  
24 anything like that. But I'm going to double check that.  
25 It's file 19-2340SM, People versus Jonathan Vanderhagen.

1 COURT CLERK: Basically it's just no contact  
2 with complaining victim, no weapons, no purchase of  
3 firearms.

4 MR. SOMBERG: There's been no contact your  
5 Honor. We can go exhibit by exhibit.

6 THE COURT: Look, two things, one you talk about  
7 First Amendment and freedom of speech. There are limits  
8 to that. There cannot be anything of a threatening  
9 nature. You can't yell. They used the example, the famous  
10 case, you can't yell fire in a public place or movie  
11 theater, something like that. We're talking about  
12 threatening a sitting Circuit Court Judge is the original  
13 allegation against Mr. Vanderhagen. When there's a no  
14 contact, it's no contact directly, indirectly or social  
15 media. These are all though he likes to hint around the  
16 fringes of it, in my opinion they are of a threatening  
17 nature after the no contact was put in place.

18 MR. SOMBERG: Which exhibit is it threatening?

19 THE COURT: Exhibits two and three.

20 MR. SOMBERG: Okay.

21 THE COURT: Okay. You have them correct? You  
22 have the exhibits. I need an answer to that.

23 MR. SOMBERG: Exhibit two with a snoopy picture  
24 where it says his son's name in the batman logo?

25 THE COURT: Look, we've already gone over the

1 things that were said that in my opinion are violations  
2 of the no contact.

3 MR. SOMBERG: Okay, I'm just trying to create a  
4 record your Honor.

5 THE COURT: Yeah go ahead.

6 MR. SOMBERG: So in exhibit two --

7 THE COURT: There's several of them.

8 MR. SOMBERG: There are several -- it says at  
9 the post everything we predicted, plotted and planned for  
10 is about to come full circle, little do they know they  
11 gave us exactly what we wanted. Our stepping stone is  
12 here and justice league is formed with a picture of  
13 snoopy and batman. Batman's the theme with his son.

14 THE COURT: They speak for themselves so --

15 MR. SOMBERG: And in your opinion that is --

16 THE COURT: We're going to have them -- they are  
17 already in the record because there a motion and there  
18 exhibits to the motion.

19 MR. SOMBERG: And also with exhibit two, it's a  
20 picture of I got a really poor exhibit, it looks like  
21 it's a picture of my client and his son. It says remember  
22 my son, never judge a book by its cover. What's on the  
23 inside is truly what matters.

24 THE COURT: You can sit there and read every one  
25 of them if you want but there already part of the record.

1 MR. SOMBERG: I understand that your Honor but  
2 you just said that you found the exhibits to show that  
3 they are threatening in nature. I'm just asking what --

4 THE COURT: Correct --

5 MR. SOMBERG: -- is threatening about them.

6 THE COURT: -- because there alluding to Judge  
7 Rancilio and I'm not going to sit here and explain it any  
8 further. But here's what I am going to read and what is  
9 also put in LEIN. Do not harass, intimidate, beat,  
10 molest, wound, stalk, threaten or engage in any other  
11 conduct that would place any of the following persons or  
12 a child of any of the following person's in reasonable  
13 fear of bodily injury, spouse, former spouse, individual  
14 with whom the defendant has a child in common, resident  
15 or former resident of the household. Do not assault,  
16 harass, intimidate, beat, wound or threaten the following  
17 persons, Rachel Rancilio. And in my opinion, he's  
18 violated that. I'm raising the defendant's bond to  
19 500,000 cash surety. I'm continuing the no contact. It  
20 means direct or indirect contact. And I'm also going to  
21 order a mental health evaluation while he's incarcerated  
22 at the Macomb County Jail. So we'll let him make some  
23 phone calls to try and post the bond but the bonds  
24 raised. So have a seat right over there Mr. Vanderhagen.

25 MR. DEBRUIN: Thank you.

(At 10:16 a.m. hearing concluded)

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1 STATE OF MICHIGAN /

2 COUNTY OF MACOMB /

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4 I, Grace A. Mocerri, Court Recorder for the 41B  
5 District Court in the County of Macomb, do hereby certify  
6 that this transcript consisting of 13 pages, is a  
7 complete, true, and correct record of the proceedings and  
8 testimony taken on Wednesday, July 24, 2019 in the matter  
9 of the People versus Jonathan Joseph Vanderhagen, case  
10 number 19-2340SM.

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12  
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14  
15  
16 Date: July 26, 2019



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